မြန်မာနိုင်ငံရင်းနှီးမြှုပ်နှံမှုကော်မရှင်

ခွင့်ပြုမိန့်

ခွင့်ပြုမိန့်အမှတ် ၃၇၈/၂၀၀၃ ၂၀၀၃ ခုနှစ် ဖေဖော်ဝါရီလ ၁၈ ရက်။

ပြည်ထောင်စုမြန်မာနိုင်ငံတော် နိုင်ငံခြားရင်းနှီးမြှုပ်နှံမှု ဥပဒေပုဒ်မ ၁၀ အရ ဤခွင့်ပြုမိန့်ကို မြန်မာနိုင်ငံရင်းနှီးမြှုပ်နှံမှု ကော်မရှင်က ထုတ်ပေးလိုက်သည် -

(က) ကမကထပြုသူ၏အမည် MR. FUMIHIKO KONISHI

(ခ) မည်သည့်နိုင်ငံသား JAPANESE

(ဂ) နေရပ်လိပ်စာ VILLA PRIMAVERA,51,JALAN JESSELTON, 10450 PENANG, MALAYSIA

(ဃ) ပင်မအဖွဲ့အစည်းအမည်နှင့်လိပ်စာ TEXCHEM FOOD SDN BHD,LEVEL 16, MENARA PSCI,NO.39 JALAN SULTAN AHMAD SHAH,10050 PENANG, MALAYSIA

(င) ဖွဲ့စည်းရာအရပ် MALAYSIA

(စ) ရင်းနှီးမြှုပ်နှံမှုပြုလုပ်မည့်လုပ်ငန်းအမျိုးအစား ငါးအသားကြိတ်စက်ရုံ၊ ငါးမှုန့်စက်ရုံ၊ အစာစပ်စက်ရုံ၊ အေးခဲစက်ရုံ၊ ရေထွက်ပစ္စည်းများထုတ်လုပ်ရေးလုပ်ငန်းနှင့် ရေထွက်ပစ္စည်း လက်ခံစုဆောင်းလုပ်ငန်း

(ဆ) ရင်းနှီးမြှုပ်နှံမှုပြုလုပ်ခွင့်ပြုသည့်အရပ်ဒေသ(များ) မြိတ်စက်မှုဇုန်၊ မြိတ်တောင်ကျေးရွာအုပ်စု၊ မြိတ်မြို့နယ်၊ တနင်္သာရီတိုင်း

(ဇ) နိုင်ငံခြားမတည်ငွေရင်း အမေရိကန်ဒေါ်လာ ၁၀.၂၄၆ သန်း (ကိုယ်ပိုင်မတည်ငွေရင်း အမေရိကန်ဒေါ်လာ ၅.၄၉၄ သန်းနှင့်ချေးငွေအမေရိကန်ဒေါ်လာ ၄.၇၅၂ သန်း)

(ဈ) နိုင်ငံခြားမတည်ငွေရင်းယူဆောင်လာရမည့်ကာလ ခွင့်ပြုမိန့်ရရှိပြီး (၅) နှစ်အတွင်း

(ည) စုစုပေါင်း မတည်ငွေရင်း ပမာဏ(ကျပ်) ၅၁၂.၃၇၈ သန်း (ကိုယ်ပိုင်မတည်ငွေရင်း ကျပ် ၃၅.၈၅၈ သန်းနှင့်ချေးငွေကျပ် ၇၆.၅၁၂ သန်း) (ကျပ်တစ်ရာတစ်ဆယ့်နှစ်သန်း၊ သုံးသိန်း၊ ခုနှစ်သောင်းတိတိ)

(ဋ) ရင်းနှီးမြှုပ်နှံခွင့်ပြုသည့်သက်တမ်း (၂၀) နှစ်

(ဌ) မြန်မာနိုင်ငံတွင် ဖွဲ့စည်းမည့် စီးပွားရေးအဖွဲ့အစည်းအမည် A.S.K ANDAMAN LTD.

ဥက္ကဋ္ဌ
မြန်မာနိုင်ငံရင်းနှီးမြှုပ်နှံမှုကော်မရှင်

...-၁၁-၂၀၁၃)နေ့
...ငကျင်းပပြုလုပ်သည့်
...ကော်မရှင်အစည်းအ
...းအမှတ်စဉ် (၁၀/၂၀၁၃)
ဖြတ်ချက်နှင့် မွေးမြူရေး၊
...လုပ်ငန်း နှင့် ကျေး
...ဒေသဖွံ့ဖြိုးရေးဝန်ကြီး
...နာ၏သဘောထား မှတ်
...အရပြင်ဆင်သည်။

ဥက္ကဋ္ဌ (ကိုယ်စား)
(အောင်နိုင်ဦး)
ညွှန်ကြားရေးမှူးချုပ်

Form (2) 4823

18.2.2003

The Myanmar Investment Commission

PERMIT

Permit No. 378/2003 .... *Date* 18 FEBRUARY 2003

The Myanmar Investment Commission issues this Permit under Section 10 of the Union of Myanmar Foreign Investment Law -

nended as per
esolution made
r MIC at its
eeting(30/2013)
ated (26-11-13)
nd the recommendation
f Ministry of
vestock,
isheries and
ural Development

For Chairman
Aung Naing Oo
Director General

(a) Name of Promoter MR. FUMIHIKO KONISHI

(b) Citizenship JAPANESE

(c) Address VILLA PRIMAVERA, 51, JALAN JESSELTON, 10450 PENANG, MALAYSIA

(d) Name and address of principal organization TEXCHEM FOOD SDN BHD, LEVEL 16, MENARA PSCI, NO.39 JALAN SULTAN AHMAD SHAH, 10050 PENANG, MALAYSIA

(e) Place of incorporation MALAYSIA

(f) Type of business in which investment is to be made MANUFACTURING AND MARKETING OF SURIMI, FISHMEAL, FEEDMEAL, SEAFOOD STICKS, AQUA CULTURAL PRODUCTS, [redacted] OTHER RELATED OPERATIONS *

(g) Place (s) at which investment is permitted MYEIK INDUSTRIAL ZONE, MYEIK TAUNG VILLAGE, MYEIK TOWNSHIP, TANINTHARYI DIVISION

(h) Amount of foreign capital US$ 18.246 MILLION (EQUITY US$ 5.494 MILLION & LOAN US$ 12.752 MILLION)

(i) Period for bringing in foreign capital WITHIN FIVE YEARS AFTER ISSUANCE OF MIC PERMIT

(j) Total amount of capital (Kyat) 112.370 MILLION (EQUITY KYAT 35.858 MILLION & LOAN KYAT 76.512 MILLION) (KYAT ONE HUNDRED AND TWELVE MILLION AND THREE HUNDRED SEVENTY THOUSAND ONLY)

(k) Permitted duration of investment 20 YEARS

(l) Name of the economic organization to be formed in Myanmar A.S.K ANDAMAN LTD.

* AND CONTRACT PROCESSING OF MARINE PRODUCTS

U Thaung

Chairman

The Myanmar Investment Commission

GOVERNMENT OF THE UNION OF MYANMAR

MYANMAR INVESTMENT COMMISSION

653 / 691, Merchant Street, Yangon.

Our ref : Ya Ka-1/535/2002 (4823) Tel : 372219, 372855
Dated : 18 February 2003. Fax : 095-01-282101

Subject : **Decision of the Myanmar Investment Commission on the Proposal for "Manufacturing and Marketing of Surimi, Fishmeal, Feedmeal, Seafood Sticks, Aqua Cultural Products and Other Related Operations" under the name of "A.S.K Andaman Ltd.".**

Reference: Ministry of Livestock and Fisheries Letter No. 1/200(Nya)/5100/1396 dated 13.11.2002.

1. The Myanmar Investment Commission, at its meeting 40/2002 held on 20-12-2002, had reviewed the proposal for investment in "Manufacturing and Marketing of Surimi, Fishmeal, Feedmeal, Seafood Sticks, Aqua Cultural Products and Other Related Operations" under the name of "A.S.K Andaman Ltd." submitted as a Joint Venture between Mascot Industries Co., Ltd. of Myanmar and Texchem Food Sdn.Bhd. of Malaysia. After careful review, it was deliberated that the proposed project be approved in principle for implementation and the proposal be submitted to the Cabinet meeting for final approval.

2. The Cabinet, at its meeting 4/2003 held on 6-2-2003, resolved to permit the implementation of the said project. Hence, the "Permit" is herewith issued in accordance with Chapter VI, Section 10 of the Union of Myanmar Foreign Investment Law and Chapter VI, Rule 13 of the Procedures relating to the said Law. Terms and conditions to the "Permit" are stated in the following paragraphs.

3. The permitted duration of the project shall be 20(Twenty) years from the date of the official commercial run of the Plant and extendible for another two 5(Five) years terms upon mutual agreement between Department of Fisheries and A.S.K Andaman Ltd. At the end of the Lease Period, A.S.K Andaman Ltd. shall transfer the land and immovable properties on it without any consideration to the Department of Fisheries within 6(Six) months from the expiry of the lease period or date of termination, whichever is applicable, in good condition, ground damages, having been refilled or repaired, excepting normal wear and tear.

4. The annual rent shall be calculated at a rate of US $ 0.12(United States Dollars Twelve Cents Only) per square meter per annum for the project area of 2.5 acres (10115 Square metre) to the amount of US $ 1213.80 (United States Dollars One Thousand Two Hundred Thirteen and Eighty Cent Only). The rent shall be revised in view of prevailing annual rent after every 5(Five) years period and the rate of increase in the rent shall not be more than 15(Fifteen) percent of the preceding annual rent.

5. A.S.K Andaman Ltd. shall provide Performance Bank Guarantee to the amount of US $ 100,000 (United States Dollars One Hundred Thousand Only) in favour of the Department of Fisheries within 30(Thirty) days from the date of the signing of the Lease Agreement.

6. In issuing this "Permit", the Commission has granted the following exemptions and reliefs:-

(a) As per Section-21(a), exemption from income-tax up to 36 (Thirty Six) months starting from the month of commencement of commercial operation.

(b) As per Section-21(b), regarding exemption from income-tax on profits of the business if they are maintained in a reserve fund and re-invested therein within one year after the reserve is made, A.S.K Andaman Ltd. shall apply for such exemption only after 3-years tax holiday period.

(c) As per Section-21(c), A.S.K Andaman Ltd. shall be granted to accelerate depreciation in respect of machinery, equipment, building or other capital assets used in the business to the extent of the original value for the purpose of income-tax assessment. However, A.S.K Andaman Ltd. shall have to apply to the Commission such rates of depreciation.

(d) As per Section-21(d), relief from income-tax up to 50 percent on profits accrued from exports, such relief has to be applied, upon actual performance, following 3-years tax holiday period.

(e) As per Section-21(e), A.S.K Andaman Ltd. shall have the right to pay income-tax payable to the State on behalf of foreigners who have come from abroad and are employed in the enterprise and the right to deduct such payment from the assessable income.

(f) As per Section-21(f), the Commission has also approved the right to pay income-tax on the income of the above-mentioned foreigners at the rates applicable to the citizens residing within the country.

(g) As per Section-21(g), regarding the right to deduct from the assessable income such expenses incurred in respect of research and development relating to the enterprise which are actually required and are carried out within the State, A.S.K Andaman Ltd.. shall apply, upon actual performance of such research and development programme, only after 3-years tax holiday period.

(h) As per Section-21(h), regarding right to carry forward and set-off up to three consecutive years from the year the loss is sustained following the enjoyment of exemption from income-tax, A.S.K Andaman Ltd. shall file the case, if any, to the Ministry of Finance and Revenue in accordance with Section-4 of the Income Tax Amendment Law, 1991.

(i) As per Section-21(i), exemption from customs duty and all other internal taxes on machinery, equipment, instruments, machinery components, spare parts and materials used in the business, which are imported as they are actually required for use during the period of construction.

(j) As per Section-21(j), exemption from customs duty and all other internal taxes on such raw materials which are actually required for operation of the business shall be granted within three years of commercial operation following the period of construction. However, such imports shall be subject to the approval endorsed by the Ministry of Livestock and Fisheries.

7. Texchem Food Sdn. Bhd. shall have to sign Joint Venture Agreement with Mascot Industries Co., Ltd.. A.S.K Andaman Ltd. shall have to sign the Lease Agreement with the Department of Fisheries. A.S.K Andaman Ltd. shall also have to sign loan Agreement with Texchem Food Sdn. Bhd.. After signing such agreements, (5) copies each of those shall have to be forwarded to the Commission.

8. A.S.K Andaman Ltd., in consultation with the Department of Company Administration, Directorate of Investment and Company Administration,shall have to be registered. After registration, (5) copies each of Certificate of Incorporation of Memorandum and Articles of Association shall have to be forwarded to the Commission.

9. A.S.K Andaman Ltd. shall use its best efforts for timely realization of works stated in the Proposal. If none of such works has been commenced within one year from the date of issue of this "Permit", it shall become null and void.

10. The official date of operation shall be reported to the Commission.

11. A.S.K Andaman Ltd. shall endavour to meet the targets for production and export stated in the proposal as the minimum target.

12. The Commission approves periodical appointments of foreign experts and technicians from abroad as per Proposal. A.S.K Andaman Ltd. shall have to consult with Directorate of Labour, Ministry of Labour for appointment of such foreign experts and technicians.

13. In order to evaluate foreign capital in terms of Kyats and for the purpose of its registration in accordance with the provision under Section-24 of the Union of Myanmar Foreign Investment Law, it is compulsory to report as early as possible in the following manner.

(a) The amount of foreign currency brought into Myanmar, attached with the necessary documents issued by the respective bank where the account is opened.

(b) The detailed lists of the type and value of foreign capital defined under Section-2(h) of the said Law, other than foreign currency, to the Chairman, Foreign Capital Evaluation Sub-Committee.

14. Whenever A.S.K Andaman Ltd. brings in foreign capital defined under Section 2(h) of the said Law, other than foreign currency in the manner stated in paragraph 13(b) mentioned above, the Inspection Certificate endorsed and issued by an internationally recognized Inspection Firm with regard to quantity, quality and price of imported materials shall have to be attached.

15. After all types of foreign capital (foreign currency and other types of foreign capital) have been brought into Myanmar, a report shall have to be submitted to the Commission as prescribed, vide letter No. Na-Ya 9/101/92(416) dated 3-12-92 [Annexure(1)]

16. A.S.K Andaman Ltd. shall report to the Commission for any alteration in the physical and financial plan of the project. Cost over-run, over and above the investment amount pledged in both local and foreign currency shall have to be reported as early as possible.

17. A.S.K shall be responsible for the preservation of the environment at and around the area of project site. Hence, it shall observe the directive by the Commission vide letter No. Ya Ka-1/139/94 (0440) dated 30-6-94 [Annexture (2)] to undertake all proper treatment systems and other necessary environmental control systems.

18. Payment of principal and interest of the loan (if any) as well as payment for import of raw material and spare parts etc. shall only be made out of the official foreign exchange earnings of A.S.K Andaman Ltd..

19. A.S.K Andaman Ltd., in consultation with Myanma Insurance, shall effect such types of insurance defined under Chapter VIII, Rule 15 of the Procedures relating to the Union of Myanmar Foreign Investment Law.

U Thaung

(U Thaung)
Chairman

Mr. Fumihiko Konishi
Texchem Food Sdn. Bhd.

c/o Director General
Department of Fisheries

cc:
1. Office of the Chairman of State Peace and Development Council
2. Office of the State Peace and Development Council
3. Office of the Government of the Union of Myanmar
4. Office of the Strategic Studies, Ministry of Defence
5. Ministry of National Planning and Economic Development
6. Ministry of Finance and Revenue
7. Ministry of Commerce
8. Ministry of Livestock and Fisheries
9. Ministry of Foreign Affairs
10. Ministry of Home Affairs
11. Ministry of Immigration and Population
12. Ministry of Labour
13. Ministry of Electric Power
14. Chairman, Committee for Assisting the Myanmar Investment Commission (Governor, Central Bank of Myanmar)
15. Chairman, Foreign Capital Evaluation Sub-Committee
16. Director General, Directorate of Investment and Company Administration
17. Director General, Customs Department
18. Director General, Internal Revenue Department
19. Managing Director, Myanma Foreign Trade Bank
20. Managing Director, Myanma Investment and Commercial Bank
21. Managing Director, Myanma Insurance
22. Managing Director, Myanma Electric Power Enterprise
23. Director General, Directorate of Trade

24. Director General, Immigration and National Registration Department
25. Director General, Directorate of Labour
26. Chairman, Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI)

(၁၄) ASK Andaman Co; Ltd

MIC ခွင့်ပြုမိန့်ရရှိသောနေ့	- (၁၈-၂-၂၀၀၃) ရက်နေ့ ခွင့်ပြုမိန့် (၃၇၈/၂၀၀၃)
ခွင့်ပြုသက်တမ်း	- ကနဦး (၂၀) နှစ် (၂၀-၃-၂၀၀၃) မှ (၂၀-၃-၂၀၂၃) ထိ
ငှားရမ်းမြေဧရိယာ	- မြေဧရိယာ (၂.၅)ဧက တနင်္သာရီတိုင်းဒေသကြီး၊ မြိတ်မြို့နယ်၊ မြိတ်တောင်ကျေးရွာ၊ မြိတ်စက်မှုဇုန်
ငှားရမ်းခနှုန်း	- ၁စတုရန်းမီတာလျှင် အမေရိကန်ဒေါ်လာ ၀.၁၂နှုန်း၊ (၅)နှစ် တစ်ကြိမ် (၁၅%) တိုး
စာချုပ်ချုပ်ဆိုသည့်နေ့	- (၂၀-၃-၂၀၀၃) မှ (၁၉-၃-၂၀၀၈) ထိ (ပ) ကြိမ်
	- (၂၀-၃-၂၀၀၈) မှ (၁၉-၃-၂၀၁၃) ထိ (ဒု) ကြိမ်
	(၂၀-၃-၂၀၁၃) မှ (၁၉-၃-၂၀၁၈) ထိ (တ) ကြိမ်
ရင်းနှီးမြှုပ်နှံမှုပမာဏ	- ရင်းနှီးမြှုပ်နှံငွေပမာဏ ကျပ်သန်း (၁၁၂. ၃၇၀) သန်း
ဆောင်ရွက်သည့်လုပ်ငန်း	-ငါးအသားကြိတ်စက်ရုံ၊ ငါးမှုန့်စက်ရုံနှင့်ရေထွက်ပစ္စည်းပြုပြင်မွမ်းမံထုတ်လုပ်ခြင်းလုပ်ငန်း
ဌာနမှဆောင်ရွက်ရန်	- ၂၀၁၈ ခုနှစ်တွင် စာချုပ်သစ် ပြန်လည်ချုပ်ဆိုရန် ဖြစ်ပါသည်။